

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

CYNTHIA JEAN LOTT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV422-123
	)	
DEE DEE NOEL ESTES,	)	
	)	
Defendant.	)	

**ORDER**

Defendant Dee Dee Noel Estes filed a Motion for Sanctions against Plaintiff Cynthia Jean Lott and her counsel seeking, among other things, “dismissal of this action.” Doc. 20 at 1. The Motion for Sanctions is pending before the District Judge. *See generally* docket. Defendant subsequently filed a Consent Motion to Stay the Dispositive Motion and Status Report Deadlines Pending the Court’s Ruling on the Motion for Sanctions. Doc. 44; *see also* doc. 19 (the parties’ joint status report is currently due on February 20, 2023, and the last day for filing civil motions is currently March 10, 2023). For the following reasons, Defendant’s consent request is **GRANTED**. Doc. 44.


When “deciding whether to stay discovery pending resolution of a pending motion, the Court inevitably must balance the harm produced by a delay in discovery against the possibility that the motion will be granted and entirely eliminate the need for such discovery.” *SP Frederica, LLC v. Glynn Cnty.*, 2015 WL 5242830, at \*2 (S.D. Ga. Sept. 8, 2015) (internal quotation marks omitted) (quoting *Feldman v. Flood*, 176 F.R.D. 651, 652 (M.D. Fla. 1997)). In weighing these interests, “a court must take a ‘preliminary peek’ . . . to assess the likelihood that the motion will be granted.” *Taylor v. Jackson*, 2017 WL 71654, at \*1 n.2 (S.D. Ga. Jan. 6, 2017) (quoting *Sams v. GA West Gate, LLC*, 2016 WL 3339764, at \*6 (S.D. Ga. June 10, 2016)). “[A] stay should be granted only where the motion to dismiss appears, upon preliminary review, to be clearly meritorious and truly case dispositive.” *Sams*, 2016 WL 3339764 at \*6. “[A] request to stay discovery pending a resolution of a motion is rarely appropriate unless resolution of the motion will dispose of the entire case.” *CSX Transp., Inc. v. United States*, 2014 WL 11429178, at \*1 (S.D. Ga. May 30, 2014) (citing *Feldman*, 176 F.R.D. at 652).

Plaintiff consents to the stay request, and she does not indicate that she would be prejudiced by a stay. *See* doc. 44 at 1. And, upon preliminary review, the Motion for Sanctions does not appear to be wholly meritless. *See generally* doc. 20; *see also* *Arriaga-Zacarias v. Lewis Taylor Farms, Inc.*, 2008 WL 4544470, at \*2 (M.D. Ga. Oct. 10, 2008) (granting a stay of discovery deadlines when a motion to dismiss is not “meritless on its face”). Additionally, a ruling on the Motion for Sanctions could be case-dispositive since it requests dismissal of the entire case. *See* doc. 20 at 1. On balance, then, a stay is appropriate.

Defendant’s Consent Motion to Stay is **GRANTED**, and all deadlines in this case are **STAYED** pending disposition of the Motion for Sanctions, doc. 20. Upon the District Judge’s disposition of the Motion for Sanctions, the Clerk is **DIRECTED** to lift the stay. If this case remains pending after the disposition of the Motion for Sanctions, the parties are **DIRECTED** to confer and submit a joint status report no later than 14 days after the disposition proposing deadlines for the

parties' status report, and their civil motions, including *Daubert* motions but excluding motions *in limine*.

**SO ORDERED**, this 13th day of February, 2023.

  
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CHRISTOPHER L. RAY  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA